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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

Report of the Secretary-General

Introduction

1. The present report is submitted pursuant to Commission on Human Rights resolution 1993/59 of 9 March 1993.

2. The General Assembly, in its resolution 47/131 of 8 December 1992, entitled "Strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity", affirmed that the promotion, protection and full realization of all human rights and fundamental freedoms as legitimate concerns of the world community should be guided by the principles of non-selectivity, impartiality and objectivity, and should not be used for political ends; requested all human rights bodies within the United Nations system, as well as the special rapporteurs and representatives, independent experts and working groups, to take duly into account the content of that resolution in carrying out their mandates; expressed its conviction

that an unbiased and fair approach to human rights issues contributed to the promotion of international cooperation, as well as to the effective promotion, protection and realization of human rights and fundamental freedoms; underlined, in that context, the continuing need for impartial and objective information on the political, economic and social situations and events of all countries; and requested the Commission on Human Rights, at its forty-ninth session to continue to examine ways and means to strengthen United Nations action in this regard on the basis of the present resolution and of Commission resolution 1992/39.

3. At its forty-ninth session, on 9 March 1993, the Commission on Human Rights, in line with its resolutions 1991/79 of 6 March 1991 and 1992/39 of 28 February 1992, adopted resolution 1993/59, in which it requested the Secretary-General, on the basis of the comments made by Governments, to prepare and submit to the Commission, at its fiftieth session, a comprehensive report on various ways and means of promoting international cooperation and strengthening United Nations action in the field of human rights in accordance with the principles of non-selectivity, impartiality and objectivity.

Comments and observations by Governments

At the Commission on Human Rights

4. At its forty-ninth session, the Commission on Human Rights had before it, under agenda item 11, the report of the Secretary-General (E/CN.4/1993/30) containing observations on the subject from Cuba, Mexico and Nicaragua.

5. During the general debate on item 11, the representatives of China, Cuba and the Islamic Republic of Iran, and the observer for Morocco, referred to the question in their statements (see E/CN.4/1993/SR.40 and 41).

6. The points raised in these observations and statements can be grouped as follows:

(a) International cooperation, on the basis of the principle of equal rights and non-interference among nations, is essential to the promotion of human rights. This international cooperation should be guided by the principles of non-selectivity, impartiality and objectivity;

(b) Practices have been developing within the framework of the Commission on Human Rights which distort the universal nature of human rights standards, in particular through the abuse of human rights monitoring mechanisms; which engage in selectivity and apply double standards in thematic mechanisms and those set up to deal with situations in specific areas or countries, often treating developing countries in an unfair manner by unilateral interpretation of universal values and concepts of human rights, and imposition thereof; and which use human rights as a means of applying pressure and interfering in the internal affairs of other countries;

(c) Remedial mechanisms must be established in order to restore the principles of non-selectivity, impartiality and objectivity, and to eliminate any possibility of abuse on the basis of political or other concerns and interests;

(d) The question of the proliferation of monitoring and investigatory bodies should be analysed in all its aspects.

At the regional preparatory meetings for the World Conference on Human Rights

7. Three regional meetings were held as part of the preparatory process of the World Conference on Human Rights: the Regional Meeting for Africa (Tunis, 2-6 November 1992); the Regional Meeting for Latin America and the Caribbean (San José, 18-22 January 1993); and the Regional Meeting for Asia (Bangkok, 29 March-2 April 1993). At each of these regional meetings, a declaration was adopted (see A/CONF.157/PC.57-59). The San José Declaration and the Bangkok Declaration made direct reference to the subject matter.

8. The San José Declaration, stressing the importance of strengthening broad, non-selective and non-discriminatory international cooperation, designed to strengthen the capacity of States to respect and promote human rights, based on dialogue, solidarity and joint action to promote the full enjoyment of all human rights and to avoid the use of pressures alien to the essential nature of such rights, and bearing in mind that the guiding principles of the study and implementation of international human rights instruments in the United Nations system should be interdependence, universality, objectivity, impartiality, non-selectivity and the responsibility of States to fulfil their obligations, reaffirmed the commitment of the participating States of Latin America and the Caribbean to promoting and guaranteeing the full observance of the human rights established in the Universal Declaration and in universal and regional human rights instruments, through their own efforts and through broad-based, non-selective and non-discriminatory international cooperation.

9. The Bangkok Declaration stressed the universality, objectivity and non-selectivity of all human rights and the need to avoid the application of double standards in the implementation of human rights and its politicization, and that no violation of human rights could be justified.

At the World Conference on Human Rights

10. The World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, adopted, on 25 June 1993, the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference made references to the question of international cooperation and the principles of non-selectivity, impartiality and objectivity in the fourth preambular paragraph and in paragraphs I.1 and I.32 which are reproduced below:

Fourth preambular paragraph

"Reaffirming the commitment contained in Article 56 of the Charter of the United Nations to take joint and separate action, placing proper emphasis on developing effective international cooperation for the realization of the purposes set out in Article 55, including universal respect for, and observance of, human rights and fundamental freedoms for all."

Paragraph I.1

"... enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations."

Paragraph I.32

"The World Conference on Human Rights reaffirms the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues."

Conclusion

11. There exists wide consensus among the member States that promoting international cooperation is essential to strengthening United Nations action in the field of human rights and that consideration of human rights issues should be based on the principles of non-selectivity, impartiality and objectivity.

12. However, only a number of Governments have so far elaborated the question of ways and means to promote such international cooperation and to ensure observance of the principles of non-selectivity, impartiality and objectivity.

13. It may be noted that suggestions were made that remedial mechanisms should be set up and review of the monitoring and investigatory bodies undertaken. In this connection, it is recalled that the report of the Secretary-General submitted to the Commission on Human Rights at its forty-ninth session (E/CN.4/1993/30) mentioned that the Secretariat of the United Nations, in particular the Centre for Human Rights must be better equipped to gather, assess and process information concerning human rights situations and events.

14. This question could be further elaborated by the Commission on Human Rights, if it so wishes, and could be referred to the Sub-Commission for an in-depth study.